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Paper No.

COPY MAILED**DEC 23 2003****OFFICE OF PETITIONS**

In re Application of
Flohr et al.
Application No. 10/623,812
Filed: July 22, 2003
Title: BURNER AND PILOT BURNER

DECISION ON PETITION

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182 FOR FILING DATE OF A NON-PROVISIONAL PATENT APPLICATION" filed November 12, 2003, requesting that the above-identified application be accorded a filing date of July 22, 2003.

The petition is **DISMISSED AS MOOT**.

On petition filed November 12, 2003, applicants assert that application papers in the above-identified application were filed in the United States Patent and Trademark Office on July 22, 2003. However, petitioner has not received a Official Filing Receipt (or other paper) acknowledging receipt of the application nor can applicants find this application within the PTO's PAIR system associated with the attorney of record's Customer Number.

Applicants are advised that the application papers originally filed on July 22, 2003 (which appear to correspond to the papers provided on petition) are of record in the Office, and are considered received in the Office on July 22, 2003. The papers of record have been assigned application No. 10/623,812. All further correspondence concerning this application should be directed to application No. 10/623,812.

Thus, the instant petition involves a moot issue.

Nonetheless, PALM records further indicate that on December 2, 2003, the date of drafting of this decision, the Office of Initial Patent Examination (OIPE) mailed a Notice advising applicants of the filing status of this application. Upon review of this notification, applicants may determine if the filing of a petition pursuant to § 1.53(e)(2) is necessary.

At this time, no petition fee is required and none has been charged.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0309.


Nancy Johnson
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LETTER **OFFICE OF PETITIONS**

In re Application of
Flohr et al.
Application No. 10/623,812
Filed: July 22, 2003
Title: BURNER AND PILOT BURNER

This is in response to the "Request to Withdraw Petition as Moot" filed December 5, 2003, requesting that the PETITION UNDER 37 C.F.R. § 1.182 FOR FILING DATE OF A NON-PROVISIONAL PATENT APPLICATION" filed November 12, 2003 be withdrawn.

The request is DENIED.

Applicants request that the petition be withdrawn as moot in view of their receipt on December 2, 2003 of a filing receipt advising applicants of the filing date and application number of this application. Alternatively, applicants request that if a decision on the petition has been made that it be vacated as moot.

A decision on the prior petition has already been rendered (and is being forwarded to applicants under separate cover). The decision dismissed the petition as moot and advised applicants of the filing date and application number of the application consistent with the information provided on the December 2, 2003 filing receipt. The decision was made prior to applicants advising the Office of their knowledge of the filing date and application number. As such, the decision appropriately responded to the petition. It is inappropriate to render this decision moot due to the events occurring subsequent to its drafting.

Telephone inquiries concerning this communication may be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions